S.B.CRIMINAL MISC. BAIL APPLICATION NO.4687/2007
(Mahendra & Anr. vs. State of Rajasthan)

DATE OF ORDER : September 27, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Mahesh Bora for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

From perusal of the police investigation diary, it appears that there is specific allegation against petitioner No.2 Setha Ram, who inflicted head injury. In the circumstances, therefore, in my view, it is not a fit case to grant anticipatory bail to petitioner No.2 Setha Ram.

The bail application filed by petitioner No.2 Setha Ram under section 438 Cr.P.C. is, therefore, dismissed.

However, having regard to the facts and circumstances of the case and the fact that no specific overt act has been assigned to petitioner No.1 Mahendra, I consider it just and proper to grant anticipatory bail to him.

Accordingly, the bail application filed by petitioner No.1. Mahendra under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner No.1 Mahendra s/o Ganga Ram in FIR No.99/2007, Police Station, Bhopalgarh, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in a sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

Petitioner No.1 Mahendra shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-